

WRIGHT, FINLAY & ZAK, LLP

Dana Jonathan Nitz, Esq.

Nevada Bar No. 0050

Natalie C. Lehman, Esq.

Nevada Bar No. 12995

7785 W. Sahara Ave., Suite 200

Las Vegas, NV 89117

(702) 475-7964; Fax: (702) 946-1345

nlehman@wrightlegal.net

Attorneys for Plaintiff/Counter-defendant, U.S. Bank National Association, as Trustee for the First Franklin Mortgage Loan Trust, Mortgage Asset-Backed Certificates, Series 2007-FF1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR THE FIRST FRANKLIN
MORTGAGE LOAN TRUST, MORTGAGE
ASSET-BACKED CERTIFICATES, SERIES
2007-FF1,

Case No.: 3:15-cv-00241-RCJ-WGC

**STIPULATION AND ORDER TO
DISMISS DEFENDANT D'ANDREA
COMMUNITY ASSOCIATION WITH
PREJUDICE**

Plaintiff.

VS.

SFR INVESTMENT POOL 1, LLC, a Nevada Limited Liability Company; D'ANDREA COMMUNITY ASSOCIATION, a Domestic Non-Profit Corporation; ALESSI & KOENIG, LLC, a Domestic Limited Liability Company.

Defendants.

**SFR INVESTMENT POOL 1, LLC, a Nevada
Limited Liability Company.**

Counterclaimant.

vs.

U.S. BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR THE FIRST FRANKLIN
MORTGAGE LOAN TRUST, MORTGAGE
ASSET-BACKED CERTIFICATES, SERIES
2007-FF1

Counter-Defendant

1 Plaintiff/Counter-defendant, U.S. Bank National Association, as Trustee for the First
2 Franklin Mortgage Loan Trust, Mortgage Asset-Backed Certificates, Series 2007-FF1
3 (hereinafter “U.S. Bank”) and Defendant, D’Andrea Community Association (hereinafter
4 “D’Andrea” and/or “HOA”), by and through their respective attorneys of record, hereby stipulate
5 and agree as follows:

6 WHEREAS:

7 1. The real property which is the subject of this civil action consists of a residence
8 commonly known as 2546 Napoli Drive, Sparks, Nevada 89434, APN 402-283-13 (hereinafter
9 “Property”), and is part of D’Andrea Community Association;

10 2. U.S. Bank is the holder of a first Deed of Trust securing a loan in the amount of
11 \$236,000.00 made on or about November 28, 2006 (“Note”) by Troy F. Rheaume and Troy T.
12 Owen (“Borrowers”) and recorded on November 30, 2006 in the Official Records of Washoe
13 County, Nevada as Document Number 3469202 (“Deed of Trust”);

14 3. On June 14, 2013, a Trustee’s Deed Upon Sale was recorded memorializing a
15 non-judicial foreclosure sale conducted by Alessi & Koenig, LLC on behalf of D’Andrea,
16 wherein the Property was conveyed to SFR Investments Pool 1, LLC (hereinafter “SFR”) for the
17 purchase price of \$9,000.00;

18 4. On January 27, 2016, U.S. Bank filed an Amended Complaint for Wrongful
19 Foreclosure, among other claims, against D’Andrea in Case Number 3:15-cv-00241-RCJ-WGC;

20 5. On November 3, 2017, U.S. Bank filed a Motion for Summary Judgment
21 regarding its claims against D’Andrea [ECF No. 153];

22 6. On December 29, 2017, D’Andrea filed its Countermotion for Summary
23 Judgment [ECF No. 157];

24 7. U.S. Bank and D’Andrea have now come to a resolution regarding their
25 respective claims and interest in the Property and have entered into a Confidential Settlement
26 Agreement;

27 8. In accordance with the Confidential Settlement Agreement, all claims asserted by
28 U.S. Bank against D’Andrea shall be dismissed with prejudice;

1 **9.** Nothing in this Stipulation should be construed as intended to benefit any other
2 party not identified as the undersigned Parties hereto, and in particular, shall not constitute a
3 waiver or relinquishment of any claims or defenses by U.S. Bank against SFR; and

4 **10.** Each Party shall bear its own fees and costs incurred in this litigation and
5 settlement.

6 **IT IS HEREBY STIPULATED AND AGREED** that Defendant, D'Andrea
7 Community Association is hereby dismissed, with prejudice;

8 **IT IS FURTHER STIPULATED AND AGREED** that this Stipulation and Order is
9 shall not constitute a waiver or relinquishment of any claims or defenses by U.S. Bank against
10 SFR;

11 **IT IS FURTHER STIPULATED AND AGREED** that this Stipulation and Order is in
12 no way intended to impair the rights of U.S. Bank (or any of its authorized agents, investors,
13 affiliates, predecessors, successors, and assigns) to pursue any and all remedies against the SFR
14 as to proceedings related to the HOA Sale or against the Borrower, as defined in the Note, that
15 U.S. Bank (or any of its authorized servicers, agents, investors, affiliates, predecessors,
16 successors, and assigns) may have relating to the Note, including the right to sue the Borrower
17 for any deficiency;

18 **IT IS FURTHER STIPULATED AND AGREED** that the pending U.S. Bank's
19 Motion for Summary Judgment [ECF No. 153] regarding its claims against D'Andrea, filed on
20 November 3, 2017, shall be denied as moot;

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1 **IT IS FURTHER STIPULATED AND AGREED** that the pending D'Andrea
2 Community Association's Countermotion for Summary Judgment [ECF No. 157], filed on
3 December 29, 2017, shall be denied as moot; and

4 **IT IS FURTHER STIPULATED AND AGREED** that each Party shall bear its own
5 attorney's fees and costs incurred in this litigation and settlement.

6 **IT IS SO STIPULATED.**

7 Dated this 25th day of April, 2018.

Dated this 25th day of April, 2018.

8 WRIGHT, FINLAY & ZAK, LLP

BOYACK ORME & ANTHONY

9 /s/ Natalie C. Lehman, Esq.

/s/ Adam J. Breeden, Esq.

10 Natalie C. Lehman, Esq.

Adam J. Breeden, Esq.

11 Nevada Bar No. 12995

Nevada Bar No. 008768

12 7785 W. Sahara Ave., Suite 200

7432 West Sahara Ave., Suite 101

13 Las Vegas, NV 89117

Las Vegas, Nevada 89117

14 Attorneys for Plaintiff/Counter-defendant, U.S.

Attorneys for Defendant, D'Andrea Community

Bank National Association, as Trustee for the

Association

First Franklin Mortgage Loan Trust, Mortgage

Asset-Backed Certificates, Series 2007-FFI

15 **ORDER**

16 Based upon the foregoing Stipulation, and good cause appearing, the above-referenced
17 matter is hereby dismissed with prejudice against D'Andrea HOA only, with each party to bear
18 its own fees and costs.

19 **IT IS SO ORDERED.**

20 Dated this 8th day of May, 2018.

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23 UNITED STATES DISTRICT COURT JUDGE
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